

Magistrate Judge Tsuchida

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS RICARDO BALLESTEROS,

Defendant.

CASE NO. MJ15-566

COMPLAINT for VIOLATION

Title 21, U.S.C.

Sections 841(a)(1) and (b)(1)(A)

BEFORE, the Honorable, United States Magistrate Judge Brian A. Tsuchida, U. S.
Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Possession of Methamphetamine with Intent to Distribute)

Beginning at a time unknown, but within the last five years, and continuing until
on or about November 10, 2015, in Renton, within the Western District of Washington,
and elsewhere, CARLOS RICARDO BALLESTEROS, knowingly and intentionally did
possess, and did aid and abet the possession of, with intent to distribute,
methamphetamine, a controlled substance.

It is further alleged that the offense involved five hundred grams or more of a
mixture or substance containing methamphetamine.

1 All in violation of Title 21, United States Code, Sections 841(a)(1) and
2 841(b)(1)(A), and Title 18, United States Code, Section 2.

3 This application is being presented by electronic means pursuant to Local
4 Criminal Rule CrR 41(d)(3). The complainant states that this Complaint is based on the
5 following information:

6 I, SCOTT MODESITT, being first duly sworn on oath, state as follows:

7
8 **Affiant's Background**

9 1. I am an "investigative or law enforcement officer of the United States"
10 within the meaning of Title 18, United States Code, Section 2510(7). I am currently
11 employed as a Special Agent with the Drug Enforcement Administration (DEA), United
12 States Department of Justice, and have been so employed since June of 1998. In that
13 capacity, I investigate violations of the Controlled Substances Act, Title 21, United States
14 Code, Section 801, et. seq. I am currently assigned to the Seattle Division, Enforcement
15 Group D-20. I have completed sixteen weeks of DEA Basic Agent training at the Justice
16 Training Center and FBI Academy in Quantico, Virginia. I have completed Advanced
17 Agent Training at the Justice Training Center and FBI Academy in Quantico, Virginia. I
18 am familiar with investigations of drug trafficking organizations, methods of importation
19 and distribution of controlled substances, and financial investigations. I have participated
20 in numerous investigations involving organizations trafficking in controlled substances
21 which have resulted in arrests of drug traffickers, seizures of controlled substances, and
22 assets. My training and experience have involved, among other things: (1) the debriefing
23 of defendants, witnesses, and informants, as well as others who have knowledge of the
24 distribution and transportation of controlled substances and of the laundering and
25 concealment of proceeds of drug trafficking; (2) surveillance; (3) analysis of
26 documentary and physical evidence; and (4) the undercover purchases of controlled
27 substances and negotiations of illegal money laundering transactions. In addition, I have
28 participated in numerous search warrants and federal wiretap investigations. Having

1 worked on these cases provided me with the opportunity to interview drug traffickers
2 first-hand, execute search warrants at their residences and stash-houses, and listen to their
3 candid conversations over the wire intercepts. As a result, I have become very familiar
4 with common practices and methods employed by drug traffickers in the United States.

5
6 **Investigation of CARLOS RICARDO BALLESTEROS**

7 2. As discussed below, the investigation has shown that CARLOS RICARDO
8 BALLESTEROS, has possessed and conspired with others to sell methamphetamine.

9 3. This investigation was initiated by the King County Sheriff's (KCSO)
10 Burien Precinct Street Crimes Unit. I was not personally involved in the investigation,
11 and the facts set forth herein are based on information obtained from other individuals,
12 including other law enforcement officers, review of documents and records related to his
13 investigation, communications with others who have personal knowledge of the events
14 and circumstances described herein, and information gained through my training and
15 experience. Because this complaint is submitted for the limited purpose of determining
16 whether there is probable cause to support the charges contained herein, it does not set
17 forth each and every fact that I or others have learned during the course of this
18 investigation.

19 4. The KCSO investigation involved a narcotics trafficker known as Carlos
20 BALLESTEROS. BALLESTEROS has two prior felony convictions for rape in the third
21 degree and assault of a child in the first degree. BALLESTEROS has also been
22 convicted of various gross misdemeanors and misdemeanors dating back to 1991.

23 5. BALLESTEROS was an identified person of interest in a previous
24 investigation conducted by the KCSO Street Crimes Unit in February 2014. During that
25 investigation, BALLESTEROS fled during a traffic stop where approximately 18.7 grams
26 of heroin, 20.3 grams of cocaine and approximately 200 grams of methamphetamine
27 were recovered along the route on which BALLESTEROS was observed to be running.
28 There were also seven cell phones recovered in the vehicle.

1 6. On May 26, 2015, the Des Moines, Washington, Police Department
2 (DMPD) responded to a Domestic Violence incident located at 22506 7th Ave S #6, Des
3 Moines, Washington, 98198, involving BALLESTEROS and his romantic partner
4 (“Partner”). According to the DMPD report, Partner reported that BALLESTEROS
5 pointed a gun at her and threatened to kill her and “everyone she knows” if she tried to
6 leave him. The following day, Detectives from the DPMD served a search warrant on
7 BALLESTEROS’S residence at the 22506 7th Ave S #6 address related to that Domestic
8 Violence call. During a search of BALLESTEROS’S residence, DMPD Detectives
9 located multiple pieces of heroin, methamphetamine, a scale, a scale weight, baggies
10 commonly used to package narcotics and multiple items of drug paraphernalia. A
11 woman, Individual A, was present during that warrant, claimed to be his roommate and
12 stated that she believed BALLESTEROS is selling methamphetamine. She also claimed
13 the user amounts of narcotics in the residence.

14
15 **Current Investigation**

16 7. Individual B is a known mid-level drug dealer operating in the city of
17 Burien, Washington. B has been identified as a drug dealer through other narcotics
18 investigations, a Confidential Reliable Informant and B’s own mother (in conversations
19 with KCSO Sgt. Rafael Crenshaw). B currently resides in Burien, Washington.

20 8. Throughout this current KCSO investigation, KCSO detectives conducted
21 surveillance on BALLESTEROS and watched him make almost daily trips, sometimes
22 multiple times a day, to B’s residence. KCSO detectives watched BALLESTEROS
23 conduct short stay traffic to and from the residence in multiple vehicles, some of which
24 had Court Authorized GPS Tracking devices installed on them.

Identification of BALLESTEROS as Drug Dealer

9. On October 4, 2015, KCSO detectives and deputies conducted a stop on a Ford truck just after it left B's residence. Individual C was one of three passengers identified and arrested from the vehicle for an outstanding warrant. C was cooperative and positively identified BALLESTEROS to the KCSO detectives as being the source of heroin being delivered to the residence.

10. On October 27, 2015, Sgt. Crenshaw was conducting surveillance on B at his residence in Burien, Washington, when he spotted BALLESTEROS arrive in his red Hyundai Sonata and park just north of the residence. Sgt. Crenshaw watched BALLESTEROS exit the vehicle and walk into B's residence. BALLESTEROS was only inside the residence for a few minutes before he returned to his vehicle and drove away. Sgt. Crenshaw briefly tried to follow BALLESTEROS; however, BALLESTEROS conducted a series of rapid and unpredictable "heat checks" (maneuvers used by criminals to reveal surveillance) before accelerating in traffic at speeds that were unsafe for Sgt. Crenshaw to attempt to keep up. This short stay traffic is consistent with C's statement that BALLESTEROS is the main heroin supplier to B at this house. BALLESTEROS evasive driving maneuvers are also consistent with him being involved in illegal narcotics trafficking.

11. On October 31, 2015, Det. Scott Fitchett inquired with the King County Data Unit about the report of sale on the registration of the 2012 red Hyundai Sonata that BALLESTEROS was driving. Det. Fichett learned that on August 7, 2015, the previous owner sold the vehicle to Carlos BALLESTEROS for twenty-five dollars.

12. On November 2, 2015, the Honorable Judge Halpert granted Det. Fitchett's application to install a GPS tracking device on the 2012 red Hyundai Sonata for 45 days. On November 4, 2015, KCSO detectives installed a GPS tracking device on the red Hyundai Sonata.

November 4, 2015, Drug Meeting between BALLESTEROS and Drug Source

13. On November 4, 2015, the KCSO Street Crimes Unit saw BALLESTEROS conduct short stay traffic at multiple residences, including two known drug houses in Burien before driving to a residence in Renton, Washington. Before pulling into the driveway, BALLESTEROS made a series of "heat checks" by rapidly turning down side streets, then made an immediate U-turn and drove back out the way he came. BALLESTEROS conducted these maneuvers on multiple side streets that surround this residence.

14. BALLESTEROS stayed at that residence for about 15 minutes before leaving and driving to a vacant property in Auburn, Washington. This property does not have power or running water and is only occupied by a food truck, a trailer, and numerous vehicles. BALLESTEROS entered this location at night in the dark and stayed for approximately five minutes. KCSO detectives continued surveillance on BALLESTEROS as he travelled eastbound on Hwy. 18 to eastbound I-90 where he continued to North Bend. BALLESTEROS stopped at a restaurant in North Bend, Washington. KCSO Det. Shane Watkins observed BALLESTEROS park next to a black Dodge Ram with no license plate. Det. Watkins observed BALLESTEROS and a female (believed to be Partner) exit the red Hyundai Sonata and meet with two Hispanic males who had exited the Dodge Ram. Det. Watkins observed that BALLESTEROS and one of the Hispanic males from the Dodge truck walked away from the others and spoke in what appeared to be a private conversation. Using Washington State DOL photos, Det. Fitchett later identified the Hispanic male who met with BALLESTEROS as Individual D. BALLESTEROS and D were then observed returning to BALLESTEROS'S vehicle. Det. Watkins watched as BALLESTEROS retrieved three envelopes from the passenger side floorboard and hand them one by one to D. Based on his professional experience, Det. Watkins described that the envelopes as "money envelopes" based on their size and shape. The envelopes appeared to be full and were about as thick as a half brick. Det.

1 Watkins then observed that both parties returned to their vehicles and exited the parking
2 lot. BALLESTEROS traveled westbound on I-90 towards Seattle and the Dodge Ram
3 went eastbound on I-90.

4
5 **November 8, 2015, Controlled Buy**

6 15. On November 8, 2015, KCSO detectives conducted a controlled buy of
7 narcotics from B at B's residence in Burien, Washington, after observing
8 BALLESTEROS arrive for a few minutes and then depart. It appeared that
9 BALLESTEROS supplied the drug house.

10
11 **November 11, 2015 Drug Deal between BALLESTEROS and Individual E**

12 16. On November 11, 2015, Sgt. Crenshaw and Detectives Koby Hamill and
13 Watkins conducted surveillance at B's residence in Burien, Washington. The detectives
14 observed BALLESTEROS arrive driving his red Hyundai Sonata and park just north of
15 the residence. The detectives observed BALLESTEROS walking up to the residence and
16 returning to the street a few minutes later. Sgt. Crenshaw observed a white Chevy S-10
17 pull up and stop just north of the residence near BALLESTEROS. The detectives
18 observed BALLESTEROS making contact with the driver of the Chevy S-10 by opening
19 the passenger side door. Sgt. Crenshaw observed BALLESTEROS reach into a plastic
20 shopping bag that he was carrying and hand something from the plastic bag to the driver.
21 Sgt. Crenshaw then observed what he believed to be the driver inspecting the item. Sgt.
22 Crenshaw observed the driver hand something back to BALLESTEROS. The Chevy S-
23 10 then departed Southbound. Detectives followed the Chevy S-10 as they conducted a
24 computer check on the registered owner of the vehicle. Results from the check revealed
25 that the registered owner, E, had a conviction for Violation of the Uniform Controlled
26 Substance Act.

27 17. Based on what the KCSO detectives had just observed along with the
28 previous conviction of the registered owner, KCSO detectives arranged to have a traffic

1 stop conducted on the Chevy S-10. KCSO Deputy Wynkoop conducted the stop at the
2 intersection of SW 116th St and 12th Ave SW in King County. Deputy Wynkoop
3 contacted the driver and confirmed that he was the registered owner, E. E was asked
4 about his recent contact with a heavy set Hispanic male (BALLESTEROS). E claimed
5 the interaction to be something about purchasing or selling a car stereo. E refused a
6 request to conduct a Consent to Search of the vehicle. Detective Hamill and his narcotics
7 K9 Jade responded to the traffic stop location. K9 Jade was deployed on the vehicle.
8 Jade gave a positive alert on both driver and passenger door seams. The KCSO
9 detectives impounded the vehicle and released E at the scene. Sgt. Crenshaw contacted
10 King County District Court Judge A. Harper and obtained approval for a telephonic
11 search warrant for the Chevy S-10.

12 18. During that search, detectives located a false energy drink-type can in the
13 center console area. Inside of the can, Sgt. Crenshaw located and seized one ounce of
14 suspected heroin, and about 1.5 ounces of crystal methamphetamine. The suspected
15 heroin and methamphetamine were both field tested by Detective Hamill. The entire
16 seizure of suspected narcotics field tested positive. Based on the foregoing facts, it is
17 believed that the meeting between BALLESTEROS and E was a narcotics transaction.

18
19 **GPS Tracker Information**

20 19. KCSO Detectives monitored the activities of the GPS tracker currently
21 installed on BALLESTEROS'S red Hyundai. Activities indicated that after
22 BALLESTEROS left B's residence earlier on November 11th and then met with E.
23 BALLESTEROS then drove to the vacant property in Auburn, Washington. KCSO
24 detectives received information that this property is owned by Individual F who resides in
25 the Wapato, Washington area. The GPS tracker indicated that after BALLESTEROS
26 departed this property, he returned to his residence at 16705 SE 128th St. in Renton,
27 Washington. KCSO detectives have physically verified the location and activities of this
28

1 GPS tracker as documented on multiple occasions, and they have found the tracker to be
2 accurate.

3
4 **Various Short Stays for Apparent Drug Transactions**

5 20. On November 7, 2015, KCSO observed that the red Hyundai departed
6 16705 SE 128th St., Renton, Washington, and drove directly to the vacant property in
7 Auburn, Washington. The red Hyundai then departed this location and returned to 16705
8 SE 128th St., and soon after departed again to a residence located at 3409 S 12th St.,
9 Tacoma, Washington, for sixteen minutes. Although detectives have observed
10 BALLESTEROS driving other vehicles, they have never observed anybody other than
11 BALLESTEROS driving the red Hyundai in the course of this investigation.

12 21. On November 10, 2015, the red Hyundai departed 16705 SE 128th St. and
13 drove directly to 3409 S 12th St., Tacoma for eighteen minutes. The red Hyundai then
14 departed and drove to S 136th St. and Military Road S., a location where KCSO
15 detectives previously witnessed BALLESTEROS as he conducted a suspected narcotics
16 transaction. The red Hyundai then traveled to B's residence in Burien, Washington,
17 where Sgt. Crenshaw observed BALLESTEROS arrive in the red Hyundai at the same
18 time the GPS tracking device showed the red Hyundai arrive. BALLESTEROS was then
19 observed going into the residence. Sgt. Crenshaw then observed BALLESTEROS depart
20 B's residence in the red Hyundai. The first stop for BALLESTEROS was the vacant
21 property in Auburn, Washington. The red Hyundai stayed at that location overnight.

22
23 **Arrest of BALLESTEROS and Execution of Search Warrants**

24 22. On December 5, 2015, KCSO Officers responded to reports of a Domestic
25 Violence Court Order Violation located at 16705 SE 128th St., Renton, Washington.
26 BALLESTEROS was located at the residence and was taken into custody. At the time of
27 arrest, approximately 24 grams of suspected heroin was located in the garbage can of the
28 bathroom in which BALLESTEROS was arrested.

23. On December 7, 2015, the Honorable Judge O'Donnell approved and signed a multi-location search warrant. On December 9th, KCSO detectives executed the warrants on the following locations with the following results:

3409 S. 12th St, Tacoma, Washington

Seized: *Chrysler 300*

24. During the execution at 3409 S 12th St., Tacoma, KCSO detectives encountered Individual G, who has at least two children with BALLESTEROS. G expressed extreme confusion about why KCSO detectives were there. G indicated to Det. Fitchett that there was nothing illegal inside of her house and said she would claim ownership of everything inside of the house, except the white Chrysler 300 in the garage. Det. Fitchett asked G to elaborate on that and she stated that the car belonged to Carlos BALLESTEROS. KCSO detectives located the white Chrysler 300 parked in the attached garage. Detectives Hamill and Fitchett were able to observe two cheap cell phone boxes, two Metro PCS Cell phone contracts, and narcotics packaging in the backseat of the vehicle through the windows. G also stated that BALLESTEROS routinely comes and goes from the residence whether she is home or not. She told detectives that BALLESTEROS is the only person with access to the white Chrysler 300 in the garage and that BALLESTEROS refused to let her have the keys to the Chrysler 300. G also stated that BALLESTEROS often makes frequent short stops at her residence, and that BALLESTEROS does something in or around the Chrysler 300, staying only a few minutes before leaving again. G said BALLESTEROS would not tell her what he does around the Chrysler 300.

Chrysler 300 in the Garage at 3409 S. 12th St., Tacoma, Washington

Seized: *Approximately 5.5 pounds of methamphetamine with packaging*
BALLESTEROS Washington State Driver's License
Public storage business card with name of property manager

1 25. KCSO detectives served an Addendum Search Warrant on the white
 2 Chrysler 300 that was parked in the Tacoma residence at 3409 S. 12th St. and seized
 3 approximately five pounds of methamphetamine, which was discovered in the rear
 4 passenger area of the Chrysler 300. In the front driver area of the vehicle, detectives also
 5 discovered Carlos BALLESTEROS'S Washington State Driver's License and a public
 6 storage business card with the property manager's name and phone number from inside
 7 the Chrysler 300. The methamphetamine was identified by field test.

8
 9 **Vacant Property in Auburn, Washington / 2012 Red Hyundai Sonata / 2009**
 10 **Toyota Corolla**

11 **Seized:** *Approximately 8.65 ounces of meth*
 12 *Approximately 2.13 ounces of heroin*
 13 *2012 Hyundai Sonata*
 14 *2009 Toyota Corolla*
 Storage unit E-011 keys
 Washington State Registration for the Chrysler 300

15 26. KCSO Detective Hamill arrived at the vacant lot in Auburn. At the scene,
 16 KCSO detectives observed a taco food truck, a motorhome, a 2009 Toyota Corolla, a
 17 2012 red Hyundai Sonata, and a Suzuki sedan. KCSO detectives searched the food truck
 18 and the motorhome with negative results. Detective's executed the search warrant on the
 19 red Hyundai Sonata that BALLESTEROS used. Inside the vehicle, they discovered
 20 approximately 51 grams of heroin from the center console with a digital scale,
 21 approximately 127 grams of methamphetamine located in the glove box, and the
 22 Washington State Registration for the white Chrysler 300 bearing Washington license
 23 AOE4745, registered to D. KCSO detectives also executed search warrants on a 2009
 24 Toyota Corolla that was parked in the vacant lot. During the search of the Toyota
 25 Corolla, detectives seized three different packages from the trunk area, and these
 26 packages contained approximately 110 grams of methamphetamine. KCSO detectives
 27 also executed the warrant on a Suzuki sedan and seized approximately 3.5 grams of
 28 methamphetamine located in the driver's visor and under the front passenger seat.

27. Additionally, during the search of the red Hyundai, KCSO detectives seized a set of keys. One of the keys from BALLESTEROS'S Hyundai fit the lock on the storage unit E-011 as described below.

16705 SE 128th St., Renton, Washington

Seized: *\$2,023.00 US Currency*
 Approximately one gram heroin
 BALLESTEROS Washington State ID
 Digital Scale
 Numerous Keys

28. Prior to the execution of the warrant at 3409 S 12th St., Tacoma, Washington, the KCSO detectives executed another search warrant at BALLESTEROS'S primary residence located at 16705 SE 128th St., Renton, Washington. During this search, KCSO detectives located BALLESTEROS'S Washington State ID and approximately 1.0 grams of heroin in the bedroom and digital scales and the keys for all the vehicles that were associated to BALLESTEROS. The heroin was packaged in the same type of plastic baggies that were observed in plain view in the back seat of the Chrysler 300 in the garage located at 3409 S 12th St., Tacoma. The heroin was field tested with positive results.

18041 Des Moines Memorial Dr. S., Burien, Washington (Storage Unit E-011)

Seized: *2008 Cadillac Escalade*
 Packaging Material

29. During this investigation, after the installation of the GPS tracker on the red Hyundai Sonata, KCSO detectives located activities at the public storage facility located at 18041 Des Moines Memorial Dr. S., Burien, Washington. Sgt. Crenshaw went to the storage facility during the investigation and spoke with the property manager, and confirmed that Partner had a storage locker there. The property manager stated to Sgt. Crenshaw that Partner comes in on occasion with her husband or boyfriend Carlos BALLESTEROS. The property manager told Sgt. Crenshaw that he knew

1 BALLESTEROS because BALLESTEROS has had other storage lockers at this same
2 facility in the last year or two. BALLESTEROS at this moment does not have any
3 storage units in his name; however, the property manager stated that BALLESTEROS
4 still came in to pay for this unit E-011 and remembered observing BALLESTEROS on
5 one occasion reach into his pocket to pay and pull out a large sum of cash and two or
6 three cell phones.

7 30. Sgt. Crenshaw departed the search warrant location at 16705 SE 128th St.,
8 Renton, after KCSO detectives located a public storage rental receipt for unit E-011 at
9 18041 Des Moines Memorial Dr. S., Burien, Washington, under the name of Partner.
10 The receipt was recent, indicating the unit was currently being rented. Sgt. Crenshaw
11 responded to the storage facility with the knowledge that narcotic traffickers often use
12 storage units to conceal their narcotics and/or proceeds and they often put those units in
13 the names of other people to avoid detection. Sgt. Crenshaw arrived at the storage
14 location and parked in front of unit E-011. Sgt. Crenshaw contacted K9 Detective Hamill
15 and asked him to respond to the storage unit and conduct a K9 sniff.

16 31. Soon after Sgt. Crenshaw arrived at the storage unit, Sgt. Crenshaw
17 observed a white Kia Optima registered to Carlos BALLESTEROS pull up next to him
18 and park next to the unit E-011. Sgt. Crenshaw observed Partner driving the Kia and then
19 an unknown Hispanic male exited the vehicle and walked over to the storage unit E-011
20 door. Sgt. Crenshaw asked the Hispanic male what he was doing and the Hispanic male
21 stated he needed to get into the unit. Sgt. Crenshaw told the Hispanic male that he was
22 not allowing anyone to enter unit E-011. The Hispanic male quickly turned away and
23 would not identify himself to Sgt. Crenshaw when asked who he was and what he
24 wanted. Sgt. Crenshaw found it suspicious that Partner arrived at this unit so quickly
25 after a search warrant was served at her apartment, and he also found it suspicious that
26 there was a man who refused to identify himself. Based on the timing, Sgt. Crenshaw
27 believed that Partner and BALLESTEROS must have had a conversation regarding the
28 storage unit. Sgt. Crenshaw researched numerous jail calls. During that review, Sgt.

1 Crenshaw found a jail call made on December 9, 2015, shortly after Crenshaw saw
 2 Partner at the storage facility. The call was between BALLESTEROS and Partner.
 3 Based on call records, BALLESTEROS asked Partner if she made it to the storage unit.
 4 Partner told BALLESTEROS that she went to the storage unit, but could not access it
 5 because the police were there. When BALLESTEROS asked Partner why the police
 6 would not let her into the unit, Partner told him that the police were conducting an
 7 investigation on it. At that point in the recording, it appeared that BALLESTEROS
 8 began to cry.

9 32. KCSO Det. Fitchett applied for and obtained a second addendum for the
 10 search of the storage unit E-011. During the search warrant on unit E-011, KCSO
 11 detectives seized a Cadillac Escalade, narcotics packaging and cellophane wrapping with
 12 what appeared to be narcotics related residue.

13 33. Based on the above facts, I respectfully submit that there is probable cause
 14 to believe that CARLOS RICARDO BALLESTEROS, committed the crime charged in
 15 Count 1, above.

16 
 17 SCOTT MODESITT, Complainant
 18 SPECIAL AGENT, DRUG
 19 ENFORCEMENT ADMINISTRATION

20 The above-named agent provided a sworn statement attesting to the truth of the
 21 contents of the foregoing Affidavit on 15 day of December, 2015. Based on the
 22 Affidavit and Complaint, the Court hereby finds that there is probable cause to believe
 23 the Defendant committed the offense set forth in the Complaint.

24 Dated this 15 day of December, 2015.

25 
 26 BRIAN A. TSUCHIDA
 27 United States Magistrate Judge
 28